

Based upon the entire record, the Appeals Board finds that the greater weight of the evidence establishes that claimant gave timely notice of accident as required by K.S.A. 44-

520 and that this matter should be remanded to the Administrative Law Judge for further proceedings.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that preliminary hearing Order entered by Administrative Law Judge Jon L. Frobish dated June 11, 1996 should be, and hereby is, reversed and that this case is hereby remanded to the Administrative Law Judge to address any remaining issues regarding claimant's preliminary hearing request for benefits. The Appeals Board does not retain jurisdiction over this proceeding.

IT IS SO ORDERED.

Dated this ____ day of August 1996.

BOARD MEMBER _____

c: Gary R. Hathaway, Ulysses, KS
Richard A. Boeckman, Great Bend, KS
Administrative Law Judge, Garden City, KS
Philip S. Harness, Director